

REMARKS

Claims 1 – 156 are pending in the application. Claims 1, 3, 7, 14, 21, 81, 85, 88, 94, 99, and 153 – 156 have been amended. Claims 27 – 80 and 106 – 152 have been withdrawn from consideration in response to a restriction requirement.

In the restriction requirement mailed April 25, 2008, the Examiner determined that claims 1 – 11, 81 – 91, and 153 – 156 were generic and that the remaining claims were patentably distinct species. Applicants fully complied with the restriction requirement in the response filed on July 25, 2008 by provisional election of species claims 12 – 26 and 92 – 105 directed to a posting system. Applicants stated in the remarks:

"Applicant understands that upon allowance of a generic claim, Applicant will be entitled to consideration of the *provisionally non-elected Claims 27-80, 92-152*, if these claims are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141." (emphasis added)

The Examiner mistakenly interpreted Applicants' statement as a withdrawal of generic dependent claims 2 – 11 and 82 – 91 (Office Action Summary item 4a, and Detailed Action, page 3, paragraphs 1, 2). However, the Examiner then proceeded to reject claims 2 – 11 (Detailed Action, page 6), but did not provide a basis for rejection of claims 82 – 91. From the preceding statement from Applicants' response to the restriction requirement, Applicants clearly did not intend to withdraw generic dependent claims 2 – 11 and 82 – 91. Thus, the pending, non-withdrawn claims are claims 1 – 26, 81 – 105, and 153 – 156.

Applicants' representative contacted the Examiner on February 26, 2009 to discuss the apparent misinterpretation of the election response. Applicants' representative thanks the

Examiner for his courtesy during the call. No agreement was reached over the current status of all claims. Applicants respectfully request that the Examiner correct item 4a in the next Office Action Summary, correct the status of the claims in the Detailed Action, and conduct an examination of claims 82 – 91. Applicants understand that the next Office Action may be a final action on the merits.

The Examiner rejected Claims 1, 12 – 26, 81, and 92 – 105 under 35 U.S.C. § 101 as non-statutory process claims stating that these claims “are not tied to another statutory class nor do they execute a transformation.” Claims 1 and 81 have been amended to recite an electronic item presentment (EIP) computer as the particular machine on which steps of the method are performed. Applicants respectfully request that the Examiner withdraw his rejection under 35 U.S.C. § 101.

The Examiner rejected Claims 155 – 156 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner stated that system claims 155 – 156 do not contain any limitations indicating the structure of the device. Claims 155 – 156 have been amended to recite an electronic item presentment (EIP) computer as a hardware element of the system for processing electronically presented items, on which the electronic item processor (claim 155) and the import processor module (claims 155 – 156), and the cross-reference processor module (claims 155 – 156) executes. Support for these amendments can be found throughout the detailed description (e.g., Para. 24 – 35, 58, “host processor,” “web-based server computer”). Applicants respectfully request that the Examiner withdraw his rejection under 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 1, 12 – 26, 81, 92 – 105 and 153 – 156 under 35 U.S.C. § 103(a) as being unpatentable over *Vicknair et al.* (U.S. 2003/020842) in view of *Bellinger et al.* (U.S. 5,870,725). This rejection is traversed.

The Examiner asserted that *Vicknair* discloses all steps of claim 1 except “for each item received at a second time, assigning an image sequence number to the item, associating the item’s image data with the item’s image sequence number and associating the item’s image sequence number with the item’s source key.” The Examiner is relying on *Bellinger* for disclosing these steps (citing Figs. 5, 20 – 22; col. 6, ll. 15 – 25; col. 12, ll. 14 -20; col. 15, ll. 1 – 4). The Examiner concluded that it would have been obvious to modify the disclosure of *Vicknair* with those of *Bellinger* “to complement the microfilm check images and provide a digitally captured images of checks stored on readable medium for indexing and cross referencing which allows the customer to retrieve the items using personal computer.” Applicants disagree with the Examiner’s statement that *Vicknair et al.* discloses all other steps of claim 1 as discussed below. Applicants also disagree with the Examiner’s statement that *Bellinger* discloses “for each item received at a second time, assigning an image sequence number to the item, associating the item’s image data with the item’s image sequence number and associating the item’s image sequence number with the item’s source key” as discussed further below.

Vicknair et al. discloses that a receiving institution (drawee bank) digitally images the *physical checks* as they arrive subsequent to posting of the ECP items. During the proofing process, in which the *data records for the ECP items are validated against the data records for the physical items*, the records are updated such that the posting date and Item Sequence Number

(ISN) number for the data records for the physical items reflect the posting date and ISN number of the ECP items. As the digital images of the checks created at the drawee bank are matched to ECP items, the digital images are assigned the same posting ISN and posting date given to the item when it was presented via the ECP process (Para. 37, Fig. 2). As further disclosed by *Vicknair et al.*, the digital images of the items, and the data records associated with the images are modified to reflect the financial processing that has occurred with respect to an item (Para. 42). The item sequence numbers for the data records for the physical items are discarded such that the second records are indexable according to the first item sequence number.

Vicknair et al. does not disclose the use of a source key to correlate a plurality of electronically presented transaction items with image data. The source key, as explained in Para. 9 of Applicants' specification, includes a source sequence number that is assigned to an item by the sending institution. *Vicknair et al.* only discloses the assignment of a unique item sequence number as the items of the Electronic Check Presentment (ECP) are processed at the receiving institution (Para. 8) which corresponds to the electronic item presentment sequence number in claim 1. Therefore, *Vicknair et al.* fails to teach associating the item's EIP sequence number with the item's source key as recited in the second step of claim 1, and receiving digitized image data associated with the item's source key as recited in the third step of the claim. Since *Vicknair et al.* does not disclose the use of a source key assigned by the sending institution, it does not disclose matching the source key associated with the item's EIP sequence number with the source key associated with the item's image sequence number as recited in the final step of the claim.

Bellinger et al. discloses that images of cleared checks are captured at the receiving institution and combined with posted MICR data and customer supplied account information. An image identifier key is associated with the MICR data on the check. An Account Reconciliation Plan (ARP) extract program determines all records associated with each account to be included on customer media (e.g., CDs of business customer's checks to be delivered to the business customer). The ARP extracted posted MICR data is then matched with the recaptured MICR data and associated with the captured image data so that each item identified as having an image has the image identification key associated with the full transaction record data (col. 15, ll. 1 – 24). *Bellinger* fails to disclose associating the item's image sequence number with the item's source key as recited in the fourth step of claim 1.

In summary, *Vicknair* does not disclose associating the item's EIP sequence number with the item's source key, and receiving digitized image data associated with the item's source key. Furthermore, *Vicknair* does not disclose matching a source key associated with the item's EIP sequence number with the source key associated with the item's image sequence number. Neither *Vicknair* nor *Bellinger* discloses associating the item's image sequence number with the item's source key.

In view of the preceding arguments, claim 1 is allowable over the combination of *Vicknair* and *Bellinger*. Claims 2 – 26 depend, either directly or indirectly, from claim 1 and are allowable for at least the same reasons as claim 1. In addition, claims 2, 3, 7, 15, and 23 each provide additional limitations associated with the source key. Since neither *Vicknair* nor *Bellinger* discloses use of a source key generated by a sending institution, the additional limitations of these dependent claims are not disclosed by either reference. Furthermore, claim

153 (computer readable medium) and claim 155 (system), which are substantially similar to claim 1, are allowable over the combination of *Vicknair* and *Bellinger* for at least the same reasons as claim 1.

The Examiner rejected claims 81 and 153 – 156 based on the same rationale as applied to claim 1. Claims 1, 153, and 155 are related independent claims for one exemplary embodiment. In this embodiment, the electronically presented items are received at a first time, and digitized image data of the electronically presented items are received at a second time (Para. 55). Claims 81, 154, and 56 are also related independent claims for another exemplary embodiment. In this embodiment, the electronically presented items include both transaction data and image data received substantially simultaneously (Para. 55). There is no need to generate an EIP sequence number at the receiving institution in this embodiment (Para. 56). The Examiner's rationale for rejecting claims 1, 153, and 155 does not apply to claims 81, 154, and 156. Therefore, the Examiner has failed to provide a prima facie case of obviousness for these claims.

Regarding claim 81, items are received electronically by an electronic item presentment computer wherein each item includes a source key, and transaction data and image data both associated with the source key. No EIP sequence number (i.e., item sequence number) is generated. An image sequence number is assigned to each item received to associate the item's image sequence number with the item's source key. Neither *Vicknair* nor *Bellinger* discloses associating transaction and image data with a source key, and assigning an item's image sequence number with the item's source key to preserve a linkage integrity between the item and the item's image data as recited in claim 81. *Vicknair* discloses that item sequence numbers for the data records for the physical items are discarded such that the second records are indexable

according to the first item sequence number. Therefore, *Vicknair* teaches away from assigning an image sequence number to the item and associating the item's image sequence number with the item's source key to preserve linkage integrity after the item is received.

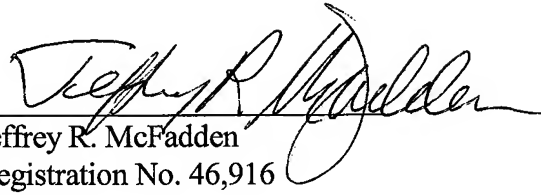
In view of the preceding arguments, claim 81 is allowable over the combination of *Vicknair* and *Bellinger*. Claims 82 – 105 depend, either directly or indirectly, from claim 81 and are allowable for at least the same reasons as claim 81. In addition, claims 84, 85, 89, 94, and 101 each provide additional limitations associated with the source key. Since neither *Vicknair* nor *Bellinger* discloses use of a source key generated by a sending institution, the additional limitations of these dependent claims are not disclosed by either reference. Furthermore, claim 154 (computer readable medium) and claim 156 (system), which are substantially similar to claim 81, are allowable over the combination of *Vicknair* and *Bellinger* for at least the same reasons as claim 81.

In view of the above remarks, it is submitted that the claim rejections of the Examiner have been properly addressed and the pending claims are in condition for allowance. It is respectfully requested that the Examiner reconsider and withdraw the rejections of the pending claims. Furthermore, it is respectfully requested that the Examiner correct the status of the claims in the application. It is also requested that the Examiner contact Applicant's attorney at the telephone number listed below should this response not be deemed to place this application in condition for allowance.

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Respectfully submitted,

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